

**REMARKS**

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-10, 22 and 24-32 are pending in the application. The claims 11-21 and 23 have been cancelled without prejudice or disclaimer. Claim 5 has been rewritten in independent form including all limitations of base claim 1, except that in line 8 "regions are connected to for a waist-hole and a pair of leg-holes" has been changed to --regions are connected to form a waist-hole and a pair of leg-holes-- to correct a typographical error. Claims 1-4, 6 and 22 have been amended to improve claim language. New claims 24-32 have been added to provide Applicants with the scope of protection to which they are believed entitled. No new matter has been introduced through the foregoing amendments.

The Examiner's acknowledgement of the foreign priority claim in the instant application is noted. The correct priority date is, however, January 10, 2003, rather than October 1, 2003.

The Examiner's Restriction Requirement is also noted. The non-elected claims have been cancelled. New claims 24-32 including limitations of or similar to elected claim 1, and do not include features of the non-elected species as identified by the Examiner in the Restriction Requirement mailed September 27, 2006 at page 2. Thus, claims 24-32 are readable on the elected species.

The Examiner's rejections of claims 1-10 and 22 as being anticipated by or obvious over *Otsubo 851* are noted. Applicants respectfully traverse the rejections for at least the reasons presented in the Amendment filed August 4, 2006, at page 10, lines 3-19 which are incorporated by reference.

The rejection of claim 5 is further traversed, because *Otsubo* as applied by the Examiner in the current Office Action at page 4, lines 3-4 from bottom does not fairly teach or suggest the claimed feature that said core is absent in said first and second zones. The claim feature finds support in Fig. 7 where it is disclosed that core 4 is absent in first and second zones 21, 22. The cited portions of *Otsubo*, especially Figs. 1, 5, and 7, teach the opposite structure, i.e., the core 14 is present in zones S1, S2, as best seen in Fig. 5. Thus, claim 5 is patentable over the applied art of record.

Notwithstanding the above, Applicants have amended claim 1 to better define the claimed invention solely for the purpose of expediting prosecution. In particular, amended claim 1 now specifies that each of first and second elastically stretchable and contractible members is contractibly attached to the article inboard of a respective longitudinal side edge of said core. The amended feature finds support in Fig. 3 of the application as filed, where it is disclosed that elastic members 24, 25 are located inboard of the respective side edges of core 4. *Otsubo*, as applied by the Examiner, does not fairly teach or suggest the claim limitation because the reference's leg elastics 31 that the Examiner considers to read on the claimed first and second elastic members are located outboard of the respective side edges of the core 24, as best seen in Fig. 6 of the reference.

Thus, independent claim 1 and the respective dependent claims are patentable over the applied art of record. The dependent claims are also patentable on their own merits since these claims recite other features neither disclosed, taught nor suggested by the applied art.

For example, as to claim 4, Applicants note the Examiner's rationale found at page 4 of the current Office Action. The Examiner's position, if correct, is applicable only to the folding guides L1, L2 of *Otsubo*. Claim 4 has been revised to recite that the core has a lower stiffness in the first and second zones in regions outside the folding guide lines. Claim 4 is thus believed patentable over the applied art of record.

As to claim 8, Applicants respectfully traverse the Examiner's rejection because *Otsubo* as applied by the Examiner does not fairly teach or suggest that each of the first and second elastically

stretchable and contractible members is directly attached to said core. In column 4 lines 35-40 cited by the Examiner, *Otsubo* only discloses that leg elastics 31 are disposed between and bonded to at least one of topsheet 22 and backsheet 21. The cited portion does not teach or suggest that leg elastics 31 are directly attached to core 14/24 as presently claimed. Applicants further direct the Examiner's attention to Fig. 6 where it is disclosed that leg elastics 31 are all located outside core 24, and therefore, cannot be directly attached to core 24. Claim 8 is thus believed patentable over the applied art of record.

Likewise, as to claim 9, Applicants respectfully traverse the Examiner's rejection because *Otsubo* as applied by the Examiner does not fairly teach or suggest that said first and second elastically stretchable and contractible members are disposed... between said core and an impervious cover sheet covering a lower surface of said core. As discussed above, leg elastics 31 in the cited portion of *Otsubo* are disposed between topsheet 22 and backsheet 21, rather than between backsheet 21 and core 14/24. Claim 9 is thus believed patentable over the applied art of record.

As to new claim 24, note at least the discussion *supra* with respect to claim 8.

As to new claims 25-26, note at least the discussion *supra* with respect to claim 5.

New independent claim 27 includes limitations similar to claim 1 and is believed patentable over the applied art of record, because *Otsubo* as applied by the Examiner does not fairly teach or suggest that said first and second elastically stretchable and contractible members are located between and inwardly spaced from the first and second longitudinal side edges of said core as seen in the transverse direction of the article. As best seen in Fig. 6 of *Otsubo*, leg elastics 31 are not located between the longitudinal side edges of core 24. In addition, leg elastics 31 are outwardly, rather than inwardly, spaced from the side edges of core 24. Claim 27 is thus believed patentable over the applied art of record.

Claims 28-32 depend from claim 27, and are considered patentable at least for the reasons advanced with respect to claim 27. The dependent claims are also patentable on their own merits since these claims recite other features neither disclosed, taught nor suggested by the applied art.

As to new claim 28, note at least the discussion *supra* with respect to claim 4.

As to new claim 29, note at least the discussion *supra* with respect to claim 5.

As to new claims 30 and 32, note at least the discussion *supra* with respect to claim 8.

As to new claim 31, note at least the discussion *supra* with respect to claim 9.


Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP

  
Benjamin J. Hauptman  
Registration No. 29,310

USPTO Customer No. 22429  
1700 Diagonal Road, Suite 310  
Alexandria, VA 22314  
(703) 684-1111 BJH/KL/cjf  
(703) 518-5499 Facsimile  
Date: April 9, 2007